IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

FIRST APPEAL No 104 of 2001

to

FIRST APPEAL No 160 of 2001

For Approval and Signature:

Hon'ble MR.JUSTICE M.R.CALLA Sd/-
and
Hon'ble MR.JUSTICE D.H.WAGHELA Sd/-

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the Civil Judge? : NO

1 to 5 No

SPECIAL LAND ACQUISITION OFFICER

Versus

BANSIDHAR BALGOVINDBHAI PATEL

Appearance:

MR ARUN D OZA GOVERNMENT PLEADER for Appellants.

MR JM PATEL for MR AJ PATEL for Respondents

CORAM : MR.JUSTICE M.R.CALLA
and
MR.JUSTICE D.H.WAGHELA

Date of decision: 12/03/2001

ORAL JUDGEMENT

(Per : MR.JUSTICE M.R.CALLA)

1. This group of 57 First Appeals is directed against the judgment and order dated 28.2.2000 passed by the learned 2nd Joint Civil Judge (S.D.), Mehsana in groups of Land Acquisition Reference Cases Nos.851 of 1998 to 854 of 1998, 917 of 1998 to 932 of 1998, 933 of 1998 to 953 of 1998 and 954 of 1998 to 969 of 1998, the Land Acquisition Reference Case No.933 of 1998 being the main land reference case. We, therefore, decide this group of 57 appeals by this common judgment and order as under.

2. The lands of village Rangpurda, taluka Kadi were sought to be acquired for the Narmada Canal Project. For this purpose, the notifications under Section 4 of the Land Acquisition Act, 1894 were issued on 22nd April, 1991 in Land Acquisition Cases Nos.19 of 1991 to 22 of 1991. The notifications under Section 6 were issued on 20th April 1992, 20th April 1992, 23rd March 1992 and 23rd March 1992 in Land Acquisition Cases Nos.19 of 1991 to 22 of 1991. In these four land acquisition cases, the awards were passed by the Land Acquisition Officer on 15th April 1994, 15th April 1994, 23rd February 1994 and 25th October 1993. The Land Acquisition Officer determined the rate of compensation at Rs.3.60 per sq. mtr. for irrigated lands and Rs.2.40 per sq. mtr. for non-irrigated lands. The claimants took the matter in reference under Section 18 before the Reference Court claiming the rate of at Rs.30/- per sq. mtr. The Reference Court has granted the compensation of Rs.24.40 + Rs.3.60 = Rs.28/- per sq. mtr. for both the types of land whether irrigated or non-irrigated. While awarding this compensation of Rs.28/- per sq. mtr. as against the claim of the claimants to be Rs.30/- per sq. mtr., the Reference Court relied upon Exh.12, i.e. deposition of Baldevbhai Chunilal Patel, previous award at Exh.13 in case of lands of village Shiyapura, taluka Kadi wherein also the lands were acquired for Narmada Canal and notification under Section 4 was issued on 18th April, 1991 and the District Court had awarded the compensation at the rate of Rs.28/- per sq. mtr., which was reduced in appeal by the High Court to Rs.26.60 per sq. mtr. The Reference Court had also relied upon Exh.14, i.e. the award relating to the lands of village Karannagar, taluka Kadi, wherein also the lands were acquired for the purpose of Narmada Canal and notification under Section 4 was issued on 22nd June, 1990 and the District Court had

awarded the compensation at the rate of Rs.26.60 per sq. mtr. The Reference Court had also relied upon the Village Form No.7/12 at Exhs.15 to 68, maps at Exhs.69 to 73, bills of agriculture produce at Exhs.74 to 104, bills of electricity connection at Exhs.105 & 106, deposition of K.M.Patel (opponent) at Exh.111, copy of land acquisition award at Exhs.112 & 113, copy of index at Exh.114, map at Exh.115, Exh.116 with regard to the price of lands of village Rangpurda and Exh.117 i.e. copy of the judgment relating to acquisition of the land from village Melaj. It is the common case of the parties that in identical group of matters, a Division Bench of this Court had already reduced the rate of compensation from Rs.28/- to Rs.26.60 per sq. mtr. with regard to acquisition of lands in the adjoining village. In the group of First Appeals Nos.2802 of 2000 to 2817 of 2000 decided on 14.12.2000, in para 7, the Court held that the market value of the lands in question should be fixed at Rs.26.60 per sq. mtr. and the awards were modified accordingly. Following this decision of the Division Bench on which reliance has been placed by both the sides, we also order that the rate of compensation shall be Rs.26.60 per sq. mtr. instead of Rs.28/- per sq. mtr. and the impugned awards shall stand modified accordingly. Rest of the part of the award remains intact. This group of 57 First Appeals is partly allowed as above with no order as to costs and the award stands modified with regard to the rate of compensation to be Rs.26.60 per sq. mtr. instead of Rs.28/- per sq. mtr.

3. It is expected that the due amount of compensation shall be paid to the claimants within a period of three months from the date the certified copy of this order is served upon the concerned authorities.

Sd/-
(M.R.Calla, J.)

Sd/-

12.3.2001 (D.H.Waghela, J.)
(KMG Thilake)